United Nations A/HRC/37/15/Add.1

General Assembly

Distr.: General
1 March 2018

Original: English

Human Rights Council
Thirty-seventh session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Japan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.18-03183(E)

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Please recycle

Japan has carefully reviewed the 217 recommendations received during its Universal Periodic Review (UPR) on 14 November 2017 and is pleased to provide the following responses. In summary, Japan "supports" 145 recommendations (classified as "Accept to follow up"), and "notes" 72 recommendations (classified as "Partially accept to follow up", "note" and "not accept"). Japan will continue to follow up the recommendations which Japan has accepted to follow up, including recommendations for which Japan has been already working.

161.1. Note.

Japan's position is stated in the national report (paras.87–90) (A/HRC/WG.6/28/JPN/1).

161.2. Accept to follow up.

161.3. Partially accept to follow up.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the UPR (para. 147). Japan will consider concluding the human rights treaties except for the Second Optional Protocol to the International Covenant on Civil and Political Rights.

161.4. Not accept.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the UPR (para. 147).

161.5. Not accept. See 161.4.

161.6. Not accept. See 161.4.

161.7. Not accept. See 161.4.

161.8. Not accept. See 161.4.

161.9. Partially accept to follow up. See 161.3.

161.10. Accept to follow up.

161.11. Accept to follow up.

161.12. Accept to follow up.

161.13. Accept to follow up.

161.14. Accept to follow up.

161.15. Accept to follow up.

161.16. Accept to follow up.

Japan has accepted the protocol.

161.17. Accept to follow up.

161.18. Accept to follow up.

161.19. Accept to follow up.

161.20. Accept to follow up.

161.21. Accept to follow up.

161.22. Accept to follow up.

161.23. Accept to follow up.

161.24. Accept to follow up.

161.25. Accept to follow up.

161.26. Note.

161.27. Accept to follow up.

161.28. Accept to follow up.

161.29. Accept to follow up.

161.30. Note.

In Japan, equality under the law, including prohibition of race discrimination, is provided for in the Constitution. However, as for the ratification of the Convention, it is necessary to make a careful consideration in light of actual situations in Japan.

161.31. Not accept.

Although Japan shares the goal of the total elimination of nuclear weapons enshrined in this treaty, this treaty lacks consideration of the reality of severe security environment and fails to obtain support from nuclear weapon states and non-nuclear weapon states that are facing nuclear threat. In light of the difference in the basic approach to elimination of nuclear weapons, Japan does not have a plan to sign this treaty.

161.32. Accept to follow up.

161.33. Accept to follow up.

161.34. Accept to follow up.

161.35. Accept to follow up.

161.36. Accept to follow up.

161.37. Accept to follow up.

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161.43. Accept to follow up.

161.44. Accept to follow up.

161.45. Accept to follow up.

161.46. Accept to follow up.

161.47. Accept to follow up.

161.48. Partially accept to follow up.

Although Japan continues its efforts to ensure children's rights, Japan currently does not have any plans to establish "another institution to advocate the rights of the child".

161.49. Accept to follow up.

161.50. Accept to follow up.

161.51. Accept to follow up.

161.52. Accept to follow up.

161.53. Accept to follow up.

161.54. Accept to follow up.

161.55. Accept to follow up.

161.56. Accept to follow up.

161.57. Accept to follow up.

161.58. Note.

There are no legislative provisions for sexual offences which are discriminatory.

161.59. Note.

Japan's position is stated in the national report (paras. 11) and in the interactive dialogue as recorded in the Draft Report of the Working Group on the UPR (para. 85).

161.60. Note. See 161.59.

161.61. Note. See 161.59.

161.62. Note. See 161.59.

161.63. Note. See 161.59.

161.64. Note. See 161.59.

161.65. Note. See 161.59.

161.66. Note. See 161.59.

161.67. Note. See 161.59.

161.68. Partially accept to follow up. See 161.59.

161.69. Partially accept to follow up.

Japan recognizes only the Ainu people as indigenous people in Japan.

161.70. Accept to follow up.

161.71. Partially accept to follow up.

Allowing same-sex marriage at the national level would have great impact on the national modality of family in Japan so it should be given careful consideration.

161.72. Note. See 161.63.

161.73. Partially accept to follow up. See 161.71.

161.74. Accept to follow up.

161.75. Note. See 161.59.

161.76. Accept to follow up.

161.77. Accept to follow up.

161.78. Accept to follow up.

161.79. Accept to follow up.

161.80. Accept to follow up.

161.81. Accept to follow up.

161.82. Accept to follow up.

161.83. Note. See 161.59.

161.84. Partially accept to follow up. See 161.59.

161.85. Accept to follow up.

161.86. Not accept.

There are no state policy and regulations which condone discrimination against and harassment of Koreans in Japan.

161.87. Not accept.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the Universal Periodic Review (paras. 157–159).

161.88. Not accept.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the Universal Periodic Review (paras. 154, 157–159).

161.89. Note. See 161.88.

Japan has no intention to treat the so-called comfort woman issue in the National Curriculum Standards, which are general standards for schools to formulate their own curricula rather than indicating specifics contents.

With regard to history education, Japan's position is stated in the addendum of the report of the Working Group on the 2nd UPR of Japan (A/HRC/22/14/Add.1) (para. 147.158. b).

161.90. Accept to follow up.

161.91. Accept to follow up.

161.92. Accept to follow up.

161.93. Accept to follow up.

161.94. Accept to follow up.

161.95. Not accept. See 161.4.

161.96. Not accept. See 161.4.

161.97. Not accept. See 161.4.

161.98. Not accept. See 161.4.

161.99. Not accept. See 161.4.

Japan's position on the issue of the death penalty is that this should be examined based on domestic public opinion. The majority of the Japanese people consider the death penalty to be unavoidable in the case of extremely heinous crimes and therefore Japan currently does not have any plans to establish a forum to discuss the death penalty system.

161.100. Not accept. See 161.99.

161.101. Not accept. See 161.99.

We provide support to victims and their families appropriately, regardless of whether or not a moratorium is introduced.

161.102. Not accept. See 161.4.

161.103. Not accept. See 161.4.

161.104. Not accept. See 161.4.

161.105. Not accept. See 161.4.

161.106. Not accept. See 161.4.

161.107. Not accept.

In Japan, the right to appeal is broadly recognized under the three-tier-trial system. Considering that many appeals have actually been made in death penalty cases and there is a problem to impose a burden of appealing on those who do not intend to appeal, Japan believes we should not introduce a system of mandatory appeal in cases where the death penalty has been handed down.

161.108. Not accept.

In Japan, a defendant has the right to appeal and the death penalty would not be carried out until the sentence becomes final and binding. We carefully take into account elements such as the absence of grounds for retrial, and only if these conditions are met, the order for execution will be placed. If we introduce a system of guaranteeing the suspension of the sentence for retrial, it will be inappropriate because as long as the inmate sentenced to death repeats the action for retrial, we will never be able to execute the sentence.

161.109. Not accept. See 161.99.

161.110. Not accept. See 161.99.

161.111. Note.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the UPR (para. 148).

161.112. Note. See 161.111.

161.113. Note. See 161.111.

161.114. Note. See 161.111.

161.115. Note. See 161.111.

161.116. Accept to follow up.

161.117. Accept to follow up.

161.118. Accept to follow up.

161.119. Accept to follow up.

161.120. Accept to follow up.

161.121. Accept to follow up.

161.122. Accept to follow up.

161.123. Accept to follow up.

161.124. Accept to follow up.

161.125. Accept to follow up.

161.126. Accept to follow up.

161.127. Accept to follow up.

161.128. Accept to follow up.

161.129. Not accept.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the UPR (para. 91).

161.130. Not accept. See 161.129.

161.131. Not accept. See 161.129.

161.132. Not accept. See 161.129.

161.133. Not accept. See 161.129.

161.134. Note.

Japan does not conduct any activities that correspond to religious profiling.

161.135. Note.

Japan believes there is no need to reform the current detention system.

161.136. Not accept.

Japan's position is stated in the Interactive Dialogue as recorded in the Draft Report of the Working Group on the UPR (paras. 14 and 153). Under the current system, the detained person has the right to access an attorney immediately. Japan detains suspects after rigorous judicial review and the period of pre-trial detention is short. Japan makes various efforts to protect the human rights of suspects.

161.137. Not accept. See 161.136.

161.138. Note.

About the public pension system, while ensuring fiscal sustainability as the top priority, Japan will continue to consider necessary review in order to secure benefit levels that account for future generations.

161.139. Accept to follow up.

161.140. Accept to follow up.

161.141. Accept to follow up.

161.142. Accept to follow up.

161.143. Not accept.

As no scientific knowledge of hereditary influencing caused by radiation to the second generation of the survivors of atomic bombs has been obtained to date, Japan does not consider amplifying the application of the Relief Act for the Victims of the Atomic Bomb to the second generation of the survivors of atomic bombs.

161.144. Accept to follow up.

161.145. Note.

The programme covers schools under the responsibility of local governments. The kinds of schools the programme applies to are stipulated in the relevant laws.

161.146. Accept to follow up.

161.147. Accept to follow up.

161.148. Accept to follow up.

161.149. Accept to follow up.

161.150. Accept to follow up.

161.151. Not accept.

Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para. 155). Japan judges program eligibility fairly and in accordance with the intent of the relevant laws, which do not discriminate against Korean schools (chosen-gakko in Japanese).

161.152. Accept to follow up.

161.153. Accept to follow up.

161.154. Accept to follow up.

161.155. Accept to follow up.

161.156. Accept to follow up.

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161.173. Accept to follow up.

161.174. Accept to follow up.

161.175. Accept to follow up.

161.176. Accept to follow up.

161.177. Note.

Committing an obscene act with a child under 18 years of age is a crime regardless of his/her consent under the Child Welfare Act. Spousal rape is a crime under the Penal Code.

161.178. Accept to follow up.

161.179. Accept to follow up.

161.180. Note.

Spousal rape is a crime under the Penal Code.

161.181. Accept to follow up.

161.182. Accept to follow up.

161.183. Accept to follow up.

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161.193. Accept to follow up.

161.194. Accept to follow up.

161.195. Accept to follow up.

161.196. Accept to follow up.

161.197. Accept to follow up.

161.198. Partially accept to follow up.

Japan accepts to follow up with the exception of the part that states "including following the Committee's guidelines on Article 14", recognizing that the Committee's guidelines are not binding by themselves but a reference in implementing the Convention.

161.199. Accept to follow up.

161.200. Accept to follow up.

161.201. Accept to follow up.

161.202. Accept to follow up.

161.203. Accept to follow up.

161.204. Accept to follow up.

161.205. Partially accept to follow up. See 161.69.

161.206. Accept to follow up.

161.207. Accept to follow up.

161.208. Accept to follow up.

161.209. Accept to follow up.

161.210. Accept to follow up.

161.211. Accept to follow up.

161.212. Accept to follow up.

161.213. Accept to follow up.

161.214. Accept to follow up.

Japanese government is providing necessary support based on the "Act on Promotion of Support Measures for the Lives of Disaster Victims to Protect and Support Children and Other Residents Suffering Damage due to Tokyo Electric Power Company's Nuclear Accident" and others. Fukushima Prefecture has been conducting Fukushima Health Management Survey.

161.215. Accept to follow up.

Japan continues to make efforts to ensure participation for both women and men in the processes, respecting the intent of the Guiding Principles.

161.216. Accept to follow up.

161.217. Accept to follow up.

Japan guarantees access to health services for everyone by the health insurance system and provides additional supports to victims of the Atomic Bombs in Hiroshima and Nagasaki under the Relief Act for the Victims of the Atomic Bomb. (As no scientific knowledge of hereditary influencing caused by the radiation to the second generation of the survivors of atomic bombs has been obtained, Japan does not consider providing supports by the Relief Act for the Victims of the Atomic Bomb to the second generation of the survivors of atomic bombs.)